C-482 No. 252 of 2002
Hon'ble Irshad Hussain, J.

Heard Sri B.P. Nautiyal, counsel for the petitioner and A.G.A.

Perused the impugned order dated 5.07.2002. The date before the Principal Judge, Family Court, Dehradun was fixed for disposal of the application for interim maintenance in the proceedings u/s 125 Cr.P.C. The husband applicant did not appear on that date. The learned Judge, however, proceeded to record the statement of the wife as P.W. 1 and thereafter passed the impugned order awarding maintenance of Rs. 1000/- per month. As is evident from the order no reason has been assigned as regard to the quantum of interim maintenance awarded to the wife and also in regard to the capacity of the husband to pay the same. Besides this nothing has been said about the inability of the wife to maintain herself and the conduct to reside separately from the husband. The order passed does not show application of mind by the learned Judge, Family Court and the order clearly appears to have been passed in utter disregard of legal principles and judicial norms. Such an order, therefore, cannot be maintained.

The impugned order dated 5.7.2002 is set aside. The learned Principal Judge, Family Court, Dehradun is directed to decide the application for interim maintenance of the wife afresh after giving opportunity to the applicant husband and by passing a speaking order. With these observations the petition is disposed of finally.

(Irshad Hussain, J.)

12.08.2002.
M.P.S.